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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,566	01/19/2001	Earl M. Rector JR.	UV-31CONT.	2141
1473	7590	10/31/2003	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			KOSTAK, VICTOR R	
			ART UNIT	PAPER NUMBER
			2611	12
DATE MAILED: 10/31/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,566

Applicant(s)

RECTOR ET AL.

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 42-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 42-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 and 42-50 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (of record), prompted by the amendment.

The data management system of Thomas (noting particularly Figs. 1, 4, 5 and 8) involves constructing, organizing and modifying program guide databases for eventual distribution, and includes correcting, validating and editing program guides prior to distribution (e.g. col. 3 lines 60-64). Television computers (i.e. computers which process television data) are used to initially generate and modify EPG data (e.g. col. 2 lines 48-50; computer hardware and software very typically implemented in database management) and the EPG data is arranged in channel and time slot data grid format (col. 1 lines 33-37). Manual entry and correction subsystem 20 involves personnel at the headend obtaining and applying content data in the EPG construction stage, and configuration of the guide provided by element 96 (which involves target fitting of the data in the grid arrangement).

One embodiment of EPG assembly regarding initial text collection (from a text database) involves configuration subsystem 50 being consulted by the ADC (automated data collection) for selecting appropriate content text, the text fit processor for determining field sizes (i.e. grid cell/tile dimensions; col. 10 lines 20-22 and 30-33),

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which suggests that the grids are checked prior to completion and during assembly.

Further discussion of checking during construction is given in col. 6 lines 29-35 which describes updating (reconstruction) of EPGs for conflicts database 90 during manual editing and correcting which can be done in real time. Thomas further points out that a manual entry and corrections subsystem is needed to make changes, deletions and corrections to the data contained in the database, such as in assuring a "text fit" (col. 7 lines 21-27), and automatic editing can also be applied (col. 7 lines 50-53).

In view of the general discussion of program guide construction involving manual entry and conflict checking using computer processing during (at least) reconstruction, it would have been obvious to one of ordinary skill in the art to use associated television computers by personnel to check for errors during construction of the EPGs to thereby provide an acceptable finished product in a minimum of processing stages which saves time, which is particularly significant in generating time-sensitive data which is to be distributed among a large body, thereby meeting claims 1, 10 and 42.

As for claims 2, 11 and 43, manual data entry requires a user accessing an interface with the computer, which therefore means that an interface is inherent in the system of Thomas.

Regarding claims 3, 12 and 44, program data errors (i.e. text from the database) are checked during EPG construction, as noted above.

As for claims 4, 13 and 45, "text fits" and ensuring that titles do not exceed the target fields (col. 8 lines 22-25) are addressed. Such would have been obvious to check during data entry for the general purpose of assembling an sufficiently presentable grid.

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As for claims 5, 14 and 46, Thomas points out that checking to validate any additional number of potential problems with the data would have been apparent to those skilled in the art, and gives examples (col. 8 lines 35-41). In view of this, it would have been obvious to account for errors such as listing duplicate data, which is a possibility due to plural data sources or operators accessing the same databases. (Thomas also discusses minimizing duplicate data in the database in order to keep the database limited: col. 6 line 12+).

As for claims 7, 16 and 48, Fig. 1 depicts the main facility.

Considering claims 8, 17 and 49, the ultimately corrected EPGs are sent to distributors (noting the rightmost system components in Fig. 1).

As for claims 9, 18 and 50, the individual workstations (not depicted) send the EPG data to database 90 (Fig. 3).

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday thru Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Victor R. Kostak
Primary Examiner
Art Unit 2611

L. H. T.